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A PRACTICAL TREATISE ON THE LAW OF CHATTEL MORTGAGES AS ADMINISTERED BY THE COURTS OF THE UNITED STATES. By J. E. COBBEY. Two volumes. St. Paul, Minn.: West Publishing Company, 1893.

This is in substance a digest of statutes and decisions upon the law governing the mortgaging of personal property. Upon his title page the author states that the work is "complete and exhaustive," and after an examination we see no reason to question his statement. If, indeed, by the term "complete" Mr. COBBEY means to imply that his treatise has all the features and characteristics of a scientific monograph upon the branch of law in question, then we must differ from him. The work is not a scientific monograph or a scholarly text-book, but it is, as just stated, a *digest*, and as a digest it is substantially complete.

The object which the author seems to have kept before him is to present to the profession a comprehensive statement of what the law is to-day: *why* the law is what it is, and *how* it grew to its present proportions, are subordinate considerations. Accordingly, we find him saying in his preface: "I have quoted more largely from the later decisions and given more weight to them, other things being equal." He thus justifies his use of the term "practical" as descriptive of his book. To it the lawyer may turn with the confidence that he will find a case or a statute which will throw some light upon the point under investigation. When he opens the book he will find a clearly-printed page, with foot-notes, set forth in type of sufficient size to be readily legible, and as he turns the pages he will discover that a method of division and arrangement has been adopted which may be said, in general, to facilitate reference to the various departments of the subject. He will mark one peculiarity, which doubtless has some good reason for existing, although no such reason suggests itself to the reviewer, and that is the fact that the numerals in the body of the text which refer the reader to the foot-notes, instead of beginning with the numeral "one" at the top of each page, progress in a continuous series from the beginning to the end of each chapter, so that the last foot-note to Chapter XXV is numbered 404; to Chapter XII, 229, etc.

But the work is colorless. It would be hard to imagine that one could persevere in reading the book from cover to cover, and if he did so, it is quite certain that he would carry away no permanent impression of the state of the law. Of course, it may be said to be unfair to criticise the author for not doing more than he intended to do, and, moreover, the reviewer is aware that there is a large demand at the American bar for "practical treatises" or digests of this description. But the reviewer would not be performing his whole duty if he were to fail to remind the author that there is a higher and a better kind of treatise known to the law than that kind which is here exemplified, and that a writer who deliberately sets out to prepare a practical treatise in the technical sense of that word must be content to forego all claim to a place in the ranks of that noble army of scientific investigators who really help on the development of our jurisprudence. He must even relinquish all claim to be known as the "author of a book."

But if "practical" treatises must exist, let us have such treatises as Mr. COBBEY'S. This is no scissors-and-paste work. It is the result of a careful collation of statutory provisions and judicial decisions from all the States in the Union and from England. It is true that the cases have not been examined critically, except with respect to points on which there is an open and notorious conflict; but the substance of the decision is in each case clearly and accurately stated. In short, the entire work gives evidence of the industry, care and patience with which the author has accomplished his task.

G. W. P.

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MILITARY GOVERNMENT AND MARTIAL LAW. By WILLIAM E. BIRKHIMER, LL.B., First Lieutenant and Adjutant Third United States Artillery. Washington, D.C.: James J. Chapman, 1892.

This is one of the most delightful works which we have received. Unlike many others which it has been our duty to review, it is not the result of the laborious compilation of material by one who wrote as he collected his data, but the natural overflow of a mind filled with and interested in his subject. The style is, therefore, natural and easy, and the illustrations, while full and accurate, do not obtrude themselves upon the reader, nor are they brought in to show the number of authorities which the author has consulted. Lieutenant BIRKHIMER, besides evincing a minute knowledge of military history of our own and foreign States, shows himself to be a good constitutional lawyer and a close student of political science; a combination which renders him peculiarly fitted to treat of the subject with which he deals. The first part of his work treats of military government, or the exercise of government in enemy's territory. The power to declare war, the right to establish martial government, the temporary allegiance of the inhabitants of the conquered territory, and the rights of the conqueror and governed are treated in logical order, and the reader passes easily and naturally from one chapter to another. The keynote of this part of the work is in the author's opinion that when the government of a country has been overcome and driven out the inhabitants owe temporary allegiance, at least, to the government established by the conqueror, and that the people should not be encouraged to rise *en masse* against the conqueror, and that individual guerilla warfare of any kind, rendering it necessary for the military commander of the conquering army to use harsh and repressive measures against the inhabitants, should be discountenanced. This view coincides with the one taken by Dr. BLUNTCHLI, in his "Laws of War," and by most of the larger continental powers, and combated by Mr. HALL in his "International Law," and in fact by nearly all English writers, by the English government, and smaller continental States.

The second part of the work treats of martial law, or a military government of the people of the State which creates the government. After showing the distinction between military and martial law, and the theory of martial law under English jurisprudence and in the United States, as also the necessity justifying martial law, we come to the Federal authority